



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: EPR-N

DEC 12 2008

Rick D. Cables
Regional Forester
USDA Forest Service
Rocky Mountain Region
740 Simms Street
Golden, CO 80401-4720

Re: Southern Rockies Lynx Management
Direction FEIS/ROD, CEQ # 20080455

Dear Mr. Cables:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for Southern Rockies Lynx Management Direction, in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4231 and Section 309 of the Clean Air Act.

The EPA is pleased that the Preferred Alternative D in the DEIS was not selected in the FEIS, and that a new Preferred Alternative F with modifications was developed and disclosed in the FEIS and ROD in response to public and Agency DEIS comments. Alternative F (modified) appears to reduce potential risks to the threatened Canada lynx in comparison to the Preferred Alternative D in the DEIS, and was developed with the intent of striking a better balance between the many environmental and resource management trade-offs involved with promoting conservation and recovery of the lynx while also addressing other resource management and ecosystem protection needs within National Forests (fire risks, vegetation management, recreation, etc.).

EPA commends the Forest Service for consulting with the U.S. Fish and Wildlife Service (FWS) regarding Endangered Species Act (ESA) compliance, and incorporating requirements of the 2008 Biological Opinion for this amendment into Alternative F. The ROD discloses that in the 2008 Biological Opinion, the FWS found the selected alternative to be consistent with 7(a)(1) of the ESA, although it also acknowledges that some adverse effects could still occur from fuel treatments and precommercial thinning. The Biological Opinion identifies measures and conditions to avoid/minimize take, and ascertains that further section 7(a)(2) interagency consultation will occur for future projects and activities that may affect lynx.

As a result, modifications were made to the language of standards VEG S5 and VEG S6 that focus on adjusting vegetation management activities that have the potential to directly affect snowshoe hare prey and ultimately the lynx population. Notably, the FWS identified non-discretionary terms and conditions to minimize the potential for incidental take as a result of the exceptions under VEG S5. These terms and conditions set limits for the total area subject to the exemptions and exceptions to no more than 4.5 percent (3 percent for Wildland Urban Interface and 1.5 percent for other exceptions), prohibit certain exceptions in any Lynx Analysis Unit (LAU) in which VEG S1 is exceeded (more than 30% of Lynx habitat in the stand initiation stage that is not suitable for winter snowshoe hare habitat), and limit precommercial thinning in LAUs in which VEG S1 is exceeded to only those areas that do not yet provide snowshoe hare habitat. These terms and conditions are also applied to VEG S6 regarding uneven-aged management practices to encourage desired winter snowshoe hare habitat.

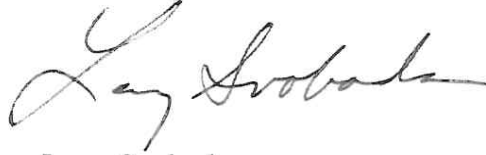
EPA also notes that other activities outside of vegetation management activities with possible adverse effects on individual lynx are subject to guidelines, such as fuels treatments and livestock grazing management, will be monitored to verify their application (page 5, ROD).

While EPA is generally pleased that there are a number of measures, thresholds and monitoring practices in place to protect lynx habitat/population with the new preferred alternative, we have some remaining concerns regarding the revised management direction. The ROD (page 4) recognizes that through winter recreation, snow is compacted which provides increased competition and predation advantages to other predators. The FEIS projects increases in growth rates of groomed and designated trails snow compaction and recreation use, with an expected 50% growth rate increase of groomed trails in the Southern Rockies lynx habitat by the year 2025 from 2000 (pages 187-188). EPA believes it would be prudent to monitor snow compacting activities inside LAUs more frequently than every 5 years in light of the potential adverse impact of increased competitor predation on winter snowshoe hare when prey is most critical to and limiting for the lynx.

Additionally, it does not appear that an effective, comprehensive monitoring program has been established to identify land management effects on denning, foraging, and linkage habitats. In accordance with EPA's DEIS comments, we remain concerned that an adequate adaptive management plan and related monitoring schedule within the LAUs has not been developed and/or disclosed that would determine effects to lynx, and identify when more protections are needed. A monitoring and adaptive management approach is critical to modify management decisions adequately to respond to habitat alteration and disturbances from such sources as future mineral and energy development, changing environmental conditions, such as climate change or the Mountain Pine Beetle epidemic that is estimated to affect 1.5 million acres of lynx habitat in Colorado and southern Wyoming (page 4, ROD), other unexpected lynx impacts, and other needs for lynx conservation and recovery. It will be important for the Forest Service and the FWS to provide adequate resources for monitoring and adaptive management, and for continued analysis and research regarding lynx conservation and recovery needs.

We appreciate the opportunity to participate in the review of this project during the NEPA process. If you have any questions regarding EPA's input, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303 312-6540. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Svoboda". The signature is fluid and cursive, with the first name "Larry" written in a larger, more prominent script than the last name "Svoboda".

Larry Svoboda
Director, NEPA Program
Ecosystems Protection and Remediation